



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

unnecessary details and mere theoretical discussion, might well serve as a fairly comprehensive general introduction to detailed study of the subject." He succeeded admirably. Most books on international law, unfortunately, have not been written from the point of view of the lawyer, — a fact which is one of the strong grounds for the belief in many quarters that international law is not true law. Mr. Walker's book, however, is a lawyer's book, and is noteworthy for the manner and extent to which it refers to decisions of the courts of Great Britain and of the United States. The book is brief and at the same time comprehensive.

But in considering the present-day value of a manual of international law written thirteen years ago, it must be remembered that in the last decade events which make and modify the law of nations have followed one another in rapid succession. In that time the Spanish-American War, the South African War, and the Russo-Japanese War have been fought; the Republic of Panama and the Republic of Cuba have entered the family of nations; two Hague Conferences have been held, and a permanent arbitration tribunal has been established at the Hague. The law as to recognition of independence, intervention, declarations of war, beginning of hostilities, rights of neutrals, and contraband — vitally affected by the events just named — has undergone important changes. If the modifications thus required were made in a new edition with the same care and skill that Mr. Walker used in the present manual, the new edition could be recommended heartily.

S. H. E. F.

COLLECTIVE OWNERSHIP, otherwise than by Corporation or by Means of the Trust. By C. T. Carr. Cambridge: At the University Press. New York: G. P. Putnam's Sons. 1907. pp. xix, 118. 8vo.

The fact that this book is a Yorke Prize Essay will sufficiently inform the reader that it does not attempt to collect decisions for the benefit of the case hunter and hang them, as too often our American "text books" do, upon a frequently self-contradictory text. On the contrary the author has approached his task with philosophical methods, and squarely on a common law basis. The result is an admirable essay, very concisely dealing with the subject from analytical, expository, historical, and comparative points of view. Nor is the volume useful solely for its academic discussion. Though its size precludes a full treatise, the English lawyer may well find an answer in it to his question, and he will be aided in his search by a table of cases encouragingly long and by an index apparently excellent.

The author divides the cases that fall within the scope of the title into five classes: Man and Wife; Co-heirs; Joint Tenants; Tenants in Common; and Partners. There is also a useful chapter on the rights and remedies of co-owners *inter se*, and a final chapter on community ownership. The first topic, of Man and Wife, he treats in a comparative way, citing some very interesting German subtleties. He limits his discussion to Tenancy by Entireties, apparently for the reasons that the other topics that might have been dealt with are rather cases of successive than of collective ownership (a fact which may be open to some question), and that they would swell the work very greatly. To this subject of Tenancy by Entireties and to that of Joint Tenants — the most obscure of those he treats — the author devotes the larger relative amount of work.

In the chapter on Partners the discussion is practically limited to the support of the theory that partnership is a distinct variety of collective ownership, distinguished by the presence of agency, and not merely a subdivision of joint tenancy; and to the matter of the entity of the partnership — a subject on which we should have been glad to hear more. The first point seems sound, — for after all, classes are what we say they are, and, as is pointed out, the author's division is good, for partnership varies as much from the other forms under discussion as they do from one another. The more extended interest of the second point is lightly touched. In the last paragraph the author adopts "Professor Maitland's suggestion that it was a less extravagant fiction to call a

corporate group a person than to call an unincorporate group no person," and there is a suggestion on the preceding page that this fact is the true underlying explanation of the American *de facto* corporation law. It is the normal as well as the mercantile conception, that a group of peoples persistently acting together is an entity separate from the persons of those who compose it, which continues though they gradually change. This fact the law has generally, for defensive reasons, refused to recognize. When the elements of *de facto* organization are present, the reasons against its recognition are at a minimum. But recognition of a separate entity in that case would not necessarily imply the existence of limited liability — none exists in the mercantile view of a partnership, and it may fairly be said to be a privilege which only the sovereign may confer. It is not at all clear but that it is at just this point that the doctrine of *de facto* incorporation stops. True, one who contracts with such an association as a corporation may not sue its members personally. But that is as if it had expressly contracted not to so hold them, as is done in the case of trust associations. For torts the members of the group are liable. At this point is the limit which Professor Warren believes proper to the doctrine of *de facto* corporations. See 20 HARV. L. REV. 456.

A. R. G.

A TREATISE ON THE LAW OF NATURALIZATION OF THE UNITED STATES.

By Frederick Van Dyne. Washington: Frederick Van Dyne. 1907. pp. xviii, 528. 8vo.

This work is at once a digest of the authorities and a manual of procedure. On the one hand it collects and classifies the constitutional provision, treaties, statutes, cases, and diplomatic rulings which make up the substantive law of the subject. On the other it covers the actual practice for both court and attorney. There is an adequate table of contents and subject index, but tables of statutes and of cases cited are lacking. Until it becomes obsolete the book will do for naturalization what the general digest should accomplish.

E. H. A., JR.

LEGAL ESSAYS. By James Bradley Thayer. Boston: The Boston Book Company. 1908. pp. xvi, 402. 8vo.

THE AMERICAN CONSTITUTION. By Frederick Jesup Stimson. New York: Charles Scribner's Sons. 1908. pp. 259. 8vo.

THE LAW AND THE CUSTOM OF THE CONSTITUTION. By Sir William R. Anson. In three volumes. Vol. II. The Crown. Part I. Third Edition. Oxford: At the Clarendon Press. London, New York, and Toronto: Henry Frowde. 1907. pp. xxvii, 283. 8vo.

COLONIAL LAWS AND COURTS. Edited by Alexander Wood Renton and George Grenville Phillimore. Reprinted from Burge's Commentaries on Colonial and Foreign Law. London: Sweet and Maxwell, Ltd. Boston: The Boston Book Company. 1907. pp. xxxi, 420. 8vo.

MANUAL OF THE LAW OF EVIDENCE. By Sidney L. Phipson. London: Stevens and Haynes. 1908. pp. xviii, 208. 8vo.

ON "SHORT SALES" OF SECURITIES THROUGH A STOCKBROKER. By Eliot Norton. New York: The John McBride Company. 1907. pp. 72. 8vo.

THE STUDENT'S LAW DICTIONARY. By S. S. Peloubet. Third Edition. New York: Peloubet and Hill. 1907. pp. 262. 8vo.